

United States Senate
WASHINGTON, DC 20510

February 12, 2016

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator McCarthy,

We write to ask for your assistance in responding to the public health emergency identified by the discovery of hotspots of dangerously high levels of cadmium and arsenic in the air in Portland, Oregon. These hotspots are linked to emissions from stained glass manufacturing facilities located in densely populated urban areas and in close proximity to multiple schools. The Oregon Department of Environmental Quality (DEQ) is working with the Oregon Health Authority and Multnomah County Health Department to investigate the public health risks from exposure to these airborne heavy metals. The stained glass manufacturing facilities have reported that they have voluntarily suspended all operations that use arsenic and cadmium.

While the immediate known danger from these facilities has subsided, our communities are rightfully concerned about risks to public health, as illustrated by the fact that over 750 people attended a community open house on February 9th convened by the Multnomah County Health Department and Portland Public Schools. Over the long-term, concentrated exposure to cadmium and arsenic increases the risk of kidney disease and liver, lung, skin, and bladder cancer. We, along with the public, are alarmed by seeming revelations that these toxic emissions fall into a regulatory loophole and are demanding that the agencies entrusted to protect public health act decisively on this matter.

We request you respond decisively to this issue in three key ways to protect public health. First, we ask you to aid Portland and the State of Oregon in assessing the urgent public health risks associated with these emissions. Second, we ask you to expeditiously update federal standards for facilities like those implicated in this situation. Third, we encourage you to increase air quality monitoring, modeling, and research.

Immediate Response and Risk Assessment

An immediate assessment of the extent of these pollutants and their associated health risks is urgently needed. There remains a lack of data on the localized concentration of these contaminants and the length of time residents may have been exposed. We ask you assist the State of Oregon and the City of Portland by providing resources to conduct timely risk assessments to achieve a better understanding of the concentrations of the hazardous pollutants and their associated public health risks. In addition, please work in partnership with the Agency for Toxics Substances and Disease Registry, the Pediatric Environmental Health Specialty Units (PEHSUs) and others to address this urgent public health risk. The results of these risk assessments and what they mean for public health should be communicated in a timely and understandable manner to the public.

Update Federal Emissions Standards for Area Sources

This situation in Oregon calls for an expeditious review and update of federal emissions standards for facilities such as the glass plants in Portland. Section 112 of the Clean Air Act directs EPA to review, and revise as necessary, these emissions standards every eight years. The last time they were addressed was December 2007. It is time for EPA to update these pollution standards, reflecting current developments in control technologies and techniques. We urge you to begin the process of updating these federal standards, which are important to protecting the public health of communities in Portland and across America.

Additionally, according to Clean Air Act Section 112(c), the EPA should routinely reconsider the categorization of hazardous air pollutant sources. Insofar as the unique glass production techniques employed at stained glass manufacturing facilities materially differ from other glass production techniques with respect to emissions rates and hazards, we encourage you to consider reclassifying these plants as a unique category or subcategory so as to adequately reflect their production processes and concomitant public health risks.

We recognize that the promulgation of new rules and source listings can take time. While we respect the need to develop regulations with adequate public participation, there is an urgent need for action. Therefore, we urge you to convene a group of industry, public health, and other appropriate stakeholders and experts to identify technological or process improvements that could mitigate or eliminate these kinds of emissions in the near-term.

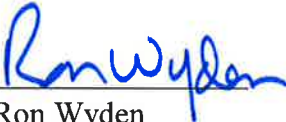
Air Quality Monitoring


Air quality monitoring is critical to detect and prevent air pollution and guide our response to incidents like this one. Not only is there a shortage of monitoring to accurately determine air


toxin exposure, but we need to improve our ability to detect local-level air pollution. For example, even though one of the 27 National Air Toxic Trends Stations is located in Portland, it failed to detect the unsafe levels of cadmium and arsenic. We are aware of this health risk in Portland only because of a Forest Service pilot study of toxic metals concentrations in tree moss. The importance of continuing such environmental monitoring cannot be overstated. We encourage the EPA to consider reviving community scale and school-focused air quality initiatives and building new partnerships that could amplify its monitoring capacity--with other governmental agencies and with private parties.

We stand ready to assist you with any and all of these suggestions and look forward to working with you to further clean air efforts in Oregon and nationwide.

Sincerely,


Ron Wyden
United States Senator


Jeffrey A. Merkley
United States Senator


Earl Blumenauer
Member of Congress